

MEETINGS TO DATE 15
NO. OF REGULARS: 14

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
NOV 28, 2011**

ROLL CALL: Trustee Hammer
Trustee Nolder
Trustee Pecora
Trustee Nikonowicz
Mayor Hoffman

ON A MOTION BY, Trustee Pecora, and seconded by Trustee Hammer, the November 14, 2011 Village Board Minutes were approved.

PROCLAMATION – Mayor Hoffman read a Proclamation for Richard Basher thanking him for his many years of service to the Depew residents as a member of the Depew Fire Department Cayuga Hose Company.

PUBLIC COMMENT – AGENDA ITEMS ONLY

None

PUBLIC HEARING LOCAL LAW #9 OF 2011 – CHAPTER 76

Village Administrator read the legal notice regarding the public hearing for Local Law #9– Chapter 76 Building Construction & Fire Prevention and Mayor Hoffman opened the hearing.

Copies of the local law were with each agenda.

Joan Priebe – 15 Howard – Questioned how the plumbers are going to be selected and if they are going to be paid to be on the plumbing board. Rick Coburn explained that two expert plumbers will be selected and they will volunteer their time. They will make up the exam. Ms. Priebe asked about the yearly fee. Rick explained the exam will be available to anyone new after the initial exam date. Licenses will be renewed on a yearly basis. Village Attorney Aquino stated it would be the same as CLE credits for an attorney. Ms. Priebe questioned hot tubs. Rick explained they will be addressed in the zoning part of the code. Ms. Priebe stated she felt the law was vague and also a copy of the Town of Cheektowaga's. Rick stated it was NYS Building Code. There was discussion about getting an occupancy permit. Ms. Priebe wanted the law tabled until the Board thoroughly read it.

ON A MOTION BY, Trustee Nolder, seconded by Trustee Nikonowicz the public hearing was closed at 7:45 pm.

ADOPT LOCAL LAW #9 OF 2011 – CHAPTER 76

Trustee Nikonowicz, offered the following resolution and moved for its adoption:

WHEREAS, the Board of Trustees of the Village of Depew, New York held a public hearing on November 28, 2011 at 7:30 pm in the Council Chambers of the Municipal Building, 85 Manitou St, Depew, NY to consider the adoption of a local law which would amend Chapter 76 – Building Construction and Fire Prevention.

WHEREAS, all persons were given an opportunity to speak for or against this local law;

NOW THEREFORE, BE IT RESOLVED, this local law is hereby adopted.

The following resolution was seconded by Trustee Nolder, and duly put to a roll call vote which resulted in the following:

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Nikonowicz – Yes
Mayor Hoffman – Yes

A copy of the local law, SEQR and Neg. Dec are at the end of the minutes.

**VILLAGE OF DEPEW
NOVEMBER 28, 2011**

APPOINT VAN DRIVER PT

Pursuant to Section 4-400 of Village Law, I Mayor Steven Hoffman, do hereby appoint Salvatore Valvo 9 Cambridge Ct, Lancaster NY 14086 to the position of Van Driver PT effective November 30, 2011, at a starting salary of \$10.25 per hour.

The forgoing nomination was acted upon in the following manner by the Village Board of Trustees:

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Nikonowicz – Yes
Mayor Hoffman – Yes

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING – DEMOLITION PROPERTIES

Trustee Pecora, offered the following resolution and moved for its adoption:

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for a public hearing to be held on January 9, 2012 at 7:00 pm in regards to the unsafe building conditions, per Chapter 81 of the Village Code, with respect to the structures located at 5799 Transit Rd and 84 Main St. A notice will be sent to the owner of record of each property as required per this chapter. The structures have been deemed unsafe per the Code Enforcement Officer and the Village Board. Any incurred costs to the Village will be levied onto the Village tax bill for each parcel.

The following resolution was seconded by Trustee Nolder, and duly put to a roll call vote which resulted in the following:

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Nikonowicz – Yes
Mayor Hoffman – Yes

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR BIDS – SIDEWALK PLOW

Trustee Hammer, offered the following resolution and moved for its adoption:

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for sealed bids for a new or used Sidewalk Plow.

The following resolution was seconded by Trustee Nikonowicz, and duly put to a roll call vote which resulted in the following:

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Nikonowicz – Yes
Mayor Hoffman – Yes

**VILLAGE OF DEPEW
NOVEMBER 28, 2011**

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR BIDS – DEMOLITION CONTRACTORS

Trustee Pecora, offered the following resolution and moved for its adoption:

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for sealed bids for demolition contractors.

The following resolution was seconded by Trustee Nolder, and duly put to a roll call vote which resulted in the following:

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Nikonowicz – Yes
Mayor Hoffman – Yes

AUTHORIZE GRANT APPLICATION – EMERALD ASH BORER

Trustee Hammer, offered the following resolution and moved for its adoption:

WHEREAS, the United States Department of Agriculture, Forest Service is accepting grant applications for the Fiscal Year 2012 Northeastern Area State and Private Forestry Competitive Allocation Request for Proposals, and

WHEREAS, the Village of Depew has identified a significant number of Ash trees located on Village owned lands and right-of-ways that are susceptible to infestation by the Emerald Ash Borer, and

WHEREAS, the Emerald Ash Borer has already been identified in the Town of Lancaster, Village of Lancaster, and Village of Depew, and

WHEREAS, the Depew Village Board is supportive of efforts to minimize the environmental, aesthetic, and financial impact of Emerald Ash Borer infestation, and

WHEREAS, grant funds are available to fund up to 50% of the cost to protect Ash trees from further infestation, NOW, THEREFORE, BE IT

RESOLVED, that the Depew Village Board agrees to provide its portion of the required 50% matching funds, and BE IT FURTHER

RESOLVED, that the Town of Lancaster will serve as the lead agency for a cooperative grant application to be submitted on behalf of the Town of Lancaster, Village of Lancaster, and Village of Depew, and BE IT FURTHER

RESOLVED, that Grantmakers Advantage, Inc., the Town of Lancaster's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the United States Department of Agriculture, Forest Service for the purpose of securing this grant, and BE IT FURTHER

RESOLVED, that the Mayor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The following resolution was seconded by Trustee Nikonowicz, and duly put to a roll call vote which resulted in the following:

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Nikonowicz – Yes
Mayor Hoffman – Yes

**VILLAGE OF DEPEW
NOVEMBER 28, 2011**

MODIFY 2011/2012 BUDGET –POLICE DEPT

Trustee Nolder, offered the following resolution and moved for its adoption:

WHEREAS, the Village of Depew Police Dept. has received \$2939.80 from Travelers for damage to a police car and the proceeds of the check will be used to pay for the repairs;

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2011/2012 Budget in the following manner:

A510	Estimated Revenue	
	Sub Account 010.2680 Insurance Recoveries	\$2,939.80
A960	Appropriations	
	Sub Account 3120.451 – Police Auto Repairs	\$2,939.80

The following resolution was seconded by Trustee Pecora, and duly put to a roll call vote which resulted in the following:

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Nikonowicz – Yes
Mayor Hoffman – Yes

PERMISSION – DEPEW FIRE DEPT

Trustee Nikonowicz, offered the following resolution and moved for its adoption:

Permission is hereby granted to the Depew Fire Department for:

Depew Hook & Ladder Co to hold their tool raffle on February 4, 2012 from 9 am until 6pm.

And

Cayuga Hose Company to hold their annual Gun Raffle on February 18, 2012 from 9 am until 6 pm.

The foregoing resolution was seconded by Trustee Hammer, and
CARRIED.

TREE/TRIMMING REMOVAL:

EMPLOYMENT APPLICATIONS: Police Officer – Robert Phelps, Jeremy Guida, Justin Guida

DEPARTMENT HEAD REPORTS, Police Dept Oct 2011

ON A MOTION BY Trustee Nikonowicz, seconded by Trustee Pecora, the department head report was accepted as presented.

REPORT OF THE VILLAGE ATTORNEY

No report.

REPORT OF THE VILLAGE ENGINEER

No report.

COMMITTEE REPORTS:

Trustee Nikonowicz – Tree Lighting will be Monday Dec 5th at 6pm at Fireman’s Park. Fire Truck Parade with Santa will leave Veteran’s Park at 5:30 pm. Thanked the Friends of Depew for the Tree and decorations.
Trustee Nolder – Starting with the December meetings the Board meetings will start at 7 pm.

UNFINISHED AND OTHER BUSINESS –

None

PUBLIC CONCERNS AND COMMENTS –

Dave Burkhardt – 5 Autumn Lea – Did we lose another policeman to Lancaster. Inquired if the Mayor said anything to the Town Board and if we could mandate that the employee stays in the Village. Questioned the employment applications for the Guida brothers as he knows them. He wanted to know if we would save money by taking a transfer.

Mayor Hoffman said he did bring it up to the Town Board but there was nothing legally he could do. It will save

CHAPTER 76

Building Construction and Fire Prevention

Article I. General Provisions

SECTION 76-1. PURPOSE AND INTENT

This local law provides for the administration and enforcement of the **New York State Uniform Fire Prevention and Building Code** (the Uniform Code) and the **State Energy Conservation Construction Code** (the Energy Code) in the Village of Depew. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this chapter.

SECTION 76-2. DEFINITIONS

"Building Permit" shall mean a permit issued pursuant to section 76-6 of this chapter. The term **"Building Permit"** shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this chapter.

"Certificate of Occupancy" / "Certificate of Compliance" shall mean a certificate issued pursuant to section 76-10 of this chapter.

"Code Enforcement Officer" (CEO) shall mean the Code Enforcement Officer appointed pursuant to 76-3b of this chapter.

"Code Enforcement Personnel" shall include the Code Enforcement Officer and all Inspectors.

"Compliance Order" shall mean an order issued by the Code Enforcement Officer pursuant to section 76-18(a) of this chapter.

"Energy Code" shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

"Inspector" shall mean an inspector appointed pursuant to section 76-3(d) of this chapter.

"Operating Permit" shall mean a permit issued pursuant to section 76-13 of this chapter. The term **"Operating Permit"** shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this local law.

"Permit Holder" shall mean the Person to whom a Building Permit has been issued.

“Person” shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“Stop Work Order” shall mean an order issued pursuant to section 76-9 of this chapter.

“Temporary Certificate” shall mean a certificate issued pursuant to section 76-10 this chapter.

“Third Party Inspector” shall mean an inspector with special expertise hired by the owner and acting through the registered design professional in responsible charge acting as the owner's agent pursuant to section 1704 of NYS Building Code. A “Third Party Inspector” shall also mean a Village designated Electrical Inspector as listed in section 76-15 of this chapter.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

“Village” shall mean the Village of Depew

Article II. Administration and Enforcement

SECTION 76-3. CODE ENFORCEMENT OFFICER AND INSPECTORS

(a) The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this chapter. The Code Enforcement Officer shall have the following powers and duties:

- (1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;
- (2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy Certificates of Compliance, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;
- (3) to conduct construction inspections, inspections to be made prior to the issuance of [Certificates of Occupancy / Certificates of Compliance], Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;

- (4)** to issue Stop Work Orders;
 - (5)** to review and investigate complaints;
 - (6)** to issue orders pursuant to subdivision (a) of section 76-19 (Violations) of this local law;
 - (7)** to maintain records;
 - (8)** to establish fees as set by the Village Board of Trustees of the Village of Depew;
 - (9)** to pursue administrative enforcement actions and proceedings;
 - (10)** in consultation with this Village's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this chapter or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this chapter and other chapters of the Village of Depew Code; and
 - (11)** to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer (CEO) by this chapter and other chapters of the Village of Depew Code.
- (b)** The Code Enforcement Officer (CEO) shall be appointed by the Village Board of Trustees. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- (c)** In the event that the Code Enforcement Officer (CEO) is unable to serve as such for any reason, an individual shall be appointed by the Village Board of Trustees to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this chapter.
- (d)** One or more Inspectors may be appointed by the Village of Trustees to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- (e)** The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Village Board of Trustees of the Village of Depew.

SECTION 76-4. ESTABLISHMENT OF BOARD OF PLUMBING EXAMINERS

- (a) **Membership.** The Board of Plumbing , heretofore established and herein called the "Plumbing Board," shall consist of (5)five members: the Code Enforcement Officer, two members of the Village Board and two persons who have actively engaged in the plumbing business for at least 10 years next preceding their membership in such Board. The last two members shall be appointed by Village of Depew Board of Trustees. The last two members shall have terms of office of two years. The term of office of the first three members shall be the term to which each has been appointed or elected
- (b) **Authority.** The Board of Plumbing Examiners shall have jurisdiction and examination authority over all persons desiring or intending to engage in the trade, business or calling of plumbing or drainage or sewer contracting in the Village of Depew, with the power to examine and certify persons applying for certificates of competency as plumbers, to determine their fitness and qualification for acting as such and to issue certificates of competency to all such persons who shall have satisfactorily passed examinations before such Board and shall be by it deemed qualified for such certificate. The Board shall also have the authority to conduct hearings to examine cause for revocation of licenses as specified in this chapter.
- (c) **Examinations; fees.** The Board of Plumbing Examiners shall hold examinations at least two times per year to examine persons applying for such certificates of competency. The entrance fee for such examination shall be as setforth by the Village Board of Trustees by resolution. Before an applicant shall be admitted to a regular scheduled examination, he/she shall file his/her application therefore, in writing, with the Village Clerk at least 10 days before the examination date and shall pay to the Village Clerk the required examination fee. the names and addresses of applicants shall be forwarded by the Village Clerk to the Code Enforcement officer of the Board. The Village for at least two consecutive weeks, shall publish in the Village newspaper a notice of the date and place where each regular scheduled examination shall be held, with the last notice to be published at least 40 days before the examination date.

SECTION 76-5. Plumbing License

- (a) **License Exemption.** No person, firm or corporation shall do any general plumbing on any premises in the Village of Depew unless first duly licensed in a manner required by this part. This section shall not apply to a person or a member of his/her household doing plumbing work on a one- or two-family residence owned by him/her, provided that he/she has filed the proper permit application, plans and paid the regular fees and has obtained a permit from the Code Enforcement Officer (CEO) . If such work necessitates trenches or street cuts within a street right-of-way or public easement, said owner shall furnish to the Village of Depew a surety bond in the amount of \$5,000 or more, as may be required, to indemnify the Village of Depew and obtain a separate street cut permit consistent with the requirements of chapter 203 of the Village of Depew Code.

(b) License Required. No person, firm or corporation shall do any general plumbing work on any premises in the Village of Depew, as a contractor, subcontractor or plumber unless licensed as a plumber in the manner provided by this part. The plumber's license shall be issued by the Village Clerk to any person, firm or corporation upon receipt of a certificate from the Board of Plumbing examiners showing that such person, a member of such firm or such corporation has satisfactorily passed the examination held by such Board for such license and upon receipt of the license fee.

(1) Site Drainage. Individuals, firms, or corporations performing site drainage work and not involving any repair, installation or replacement of water supply or sanitary sewers shall be exempt from the plumbing license requirement. All such drainage related plumbing shall be done only with an approved plumbing permit as required by section 76-7 of this chapter.

(c) License Restriction. No person, firm or corporation holding a license provided for in this part shall allow the use of his, her or its name or license by any unlicensed person, firm or corporation. The dissolution of a firm or corporation shall operate as a cancellation of the license of such firm or corporation. Licenses shall not be transferable.

(d) Proof of License. Any person, firm or corporation doing work regulated under this part shall exhibit his/ her license upon request to any peace officer, Village Board member, member of the Board of Plumbing Examiners, Code Enforcement Officer, Inspector or their representative.

(e) Revocation of License. The Board of Plumbing Examiners may revoke any license issued pursuant to this part or suspend it for such term as it may deem proper if it finds that the holder thereof, if a person, or a member, officer, agent or employee, if the holder is a firm or corporation, has violated any provision of this chapter or has made a false statement in connection with a material fact in an application for any license required under this chapter. The Plumbing Board, having jurisdiction may further revoke any such license if it finds that the holder is an undesirable person or is incapable of conducting the trade licensed. The Plumbing Board, having jurisdiction may take the foregoing action at any regular meeting thereof or at a special meeting called for that purpose. The holder of the license shall be given notice, in writing, setting forth the charge and the date, time and place of the hearing. The notice shall either be served personally upon the holder not less than five days prior to the meeting or hearing at which the charge is to be heard or shall be mailed by either registered or certified mail, return receipt requested, to the holder of the license at the last known address thereof at least 10 days prior thereto. Refusal to accept or inability to deliver the mailed notice shall not prevent the Board from proceeding to hear and determine the charge. The Plumbing Board, having jurisdiction may adopt such general rules and regulations for the conduct of such hearings as it shall deem appropriate. The rules and regulations and amendments thereto shall be published once in the official newspaper designated by the Town Board and shall be effective 10 days following publication. The holder of the license shall in all cases be entitled to counsel if he/she desires. A majority vote of the Board having jurisdiction shall be

required to either revoke or suspend a license. Action taken by the Plumbing Board, having jurisdiction either to revoke or suspend is in addition to any other punishment authorized by this chapter or other provision of law.

- (f) **Candidates for License Examination.** The applicant for examination for qualification as a plumber shall have a minimum of (4) years of practical experience under the supervision of a master plumber in the trade or business of plumbing . The Board of Plumbing Examiners may accept, at its discretion, an equivalent combination of training, education and experience in lieu of the requirements of 4 years of practical experience . Practical experience or satisfactory equivalent training, education and experience shall be submitted to the examiners before the applicant is admitted to the examination.
- (g) **License Fee.** The fee for a plumber's license shall be as setforth by the Village Board of Trustees by resolution. Each person, firm or corporation holding a valid certificate of competency or licensed plumber shall register with the Village Clerk each year prior to January 31 by securing a plumber 's license. All annual license fees payable not paid, shall be paid in full before issuance of any subsequent renewal license.
- (h) **Examination Required for Renewals.** Within 12 months upon the adoption of this chapter all existing plumbing license holders shall be required to take an examination to obtain a certificate of competency from the board of plumbing and drainage examiners, before any existing plumbing license may be renewed. Within 12 months following the adoption of new Uniform Code by New York State, all existing license holders shall be required to take a re-examination to obtain a certificate of competency from the board of plumbing examiners, before any existing plumbing license may be renewed. The Board of Plumbing examiners shall provide written notice to all existing license holders of such requirement for re-examination and filing deadline for written examination as specified in section 76-4(c) of this chapter.

Article III. Building Permits

SECTION 76-6. BUILDING PERMITS.

- (a) **Building Permits Required.** Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.

(b) Exemptions. No Building Permit shall be required for work in any of the following categories, however, compliance with other provisions of the Village Code shall still be required:

- (1)** installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (2)** installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches;
- (3)** installation of fences which are not part of an enclosure surrounding a swimming pool;
- (4)** installation of landscape water features with a water depth less than 24 inches;
- (5)** installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (6)** installation of partitions or movable cases less than 5'-9" in height;
- (7)** painting, wallpapering, tiling, carpeting, or other similar finish work in a one- or two-family dwelling;
- (8)** installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances in a one or two family dwelling;

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code, the Energy Code or other provisions of the Village Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

- (1)** a description of the proposed work;
- (2)** the tax map number and the street address of the premises where the work is to be performed;
- (3)** the occupancy classification of any affected building or structure;
- (4)** where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

(5) at least 2 sets of construction documents (drawings and/or specifications) which

(i) define the scope of the proposed work;

(ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;

(iii) indicate with sufficient clarity and detail the nature and extent of the work proposed;

(iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and

(v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) listed above . Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code, the Energy Code and the Village Code.

(g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended

Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

- (i) **Time limits.** Building Permits shall become invalid unless the authorized work is commenced within [6] months following the date of issuance. Building Permits shall expire [12] months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.
- (j) **Revocation or suspension of Building Permits.** If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.
- (k) **Fee.** The Building Permit Fees shall be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit. Such fees shall be as setforth by the Village of Depew by Village Board of Trustees resolution.

Article IV. Plumbing Permits

SECTION 76-7. Plumbing Permits.

- (a) **Plumbing Permit Required.** No person, firm or corporation shall commence any plumbing, drainage or sewer contracting work in any building, structure or parking lot or on any premises, or cause the same to be done, without first obtaining a separate plumbing permit from the Code Enforcement Officer for each such occurrence.
- (b) **Commencement and completion of work time limits.** Unless actual construction work is begun within six months of the date of any plumbing permit, then such permit shall expire by limitation, except that the Code Enforcement Officer may postpone such expiration if circumstances beyond the control of the applicant delayed the commencement of work. Unless work, commenced pursuant to a valid permit, is completed within 1 year of the commencement of such work, either the permit shall expire and all work completed shall be removed and the premises returned to its original condition, or the permit shall expire and a new permit shall be obtained upon submittal of a new permit application and fees subject to the codes in effect at the time of submittal of the new application. If a new permit is issued for the purpose of completing work under a prior permit, all work associated with the new permit must be completed within six months of the date of issuance of the new permit. Failure to comply with either of these alternatives shall be deemed to be a violation of this chapter and subject to the penalties contained in section 76-18 of this chapter.

- (c) **Applications for a plumbing permit.** Applications for a plumbing permit shall be made to the Code Enforcement Officer by a licensed plumber or his/her authorized representative or a homeowner and shall pay the fees as set forth by the Village of Depew by Village Board of Trustees resolution.
- (d) **Register of Licensed Plumbers.** The Code Enforcement Officer shall establish a registry of persons licensed as Plumbers or authorized agents of a licensed Plumber. A maximum of (1) authorized agent whom is not licensed may be registered with the Code Enforcement Officer's registry. The registry shall contain the names of all licensed plumbers, individual persons authorized to apply for plumbing permits and shall include for each persons home or business address, business telephone number, photograph, proof of current workers' compensation and New York State disability coverage and a notarized signature.
- (e) **Revocation or suspension of Plumbing Permits.** If the Code Enforcement Officer determines that a Plumbing Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Plumbing Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.
- (f) The Plumbing Permit Fees must be paid at the time of submission of an application for a Plumbing Permit, for an amended Plumbing Permit, or for renewal of a Plumbing Permit. Such fees shall be as set forth by the Village of Depew by Village Board of Trustees resolution.

Article V. Construction Inspections

SECTION 76-8. CONSTRUCTION INSPECTIONS.

- (a) **Work to remain accessible and exposed.** Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.
- (b) **Elements of work to be inspected.** The following elements of the construction process shall be inspected made, where applicable:
 - (1) work site prior to the issuance of a Building Permit;
 - (2) footing and foundation;
 - (3) preparation for concrete slab;

- (4) framing;
- (5) building systems, including underground and rough-in;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues or gas vents;
- (9) Energy Code compliance; and
- (10) a final inspection after all work authorized by the Building Permit has been completed.

(c) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, re-inspected, and found satisfactory as completed.

SECTION 76-9. STOP WORK ORDERS.

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

- (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (3) any work for which a Building Permit is required which is being performed without their required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

- (c) Service of Stop Work Orders.** The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail and regular mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail and regular mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.
- (d) Effect of Stop Work Order.** Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.
- (e) Remedy not exclusive.** The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 76-18 (Violations) of this chapter or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 76-10. CERTIFICATES OF OCCUPANCY / CERTIFICATES OF COMPLIANCE

- (a) Certificates of Occupancy / Certificates of Compliance required.** A Certificate of Occupancy / Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy / Certificate of Compliance.
- (b) Issuance of Certificates of Occupancy / Certificates of Compliance.** The Code Enforcement Officer shall issue a Certificate of Occupancy / Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy / Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement

Officer, at the expense of the applicant for the Certificate of Occupancy / Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy / Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections;
- (2) flood hazard certifications;
- (3) preparation of a code analysis, and
- (4) a Registered Design Professional Certification of Compliance

(c) Contents of Certificates of Occupancy / Certificates of Compliance. A Certificate of occupancy / Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name, address and tax map number of the property;
- (4) if the Certificate of Occupancy / Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy / Certificate of Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the assembly occupant load of the structure, if any;
- (8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required, and in compliance with the required standards.
- (9) any special conditions imposed in connection with the issuance of the Building Permit; and
- (10) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy / Certificate of Compliance and the date of issuance.

(d) Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is

operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed [6] months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a [Certificate of Occupancy / Certificate of Compliance] or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(f) Fee. The fees must be paid at the time of submission of an application for a Certificate of Occupancy / Certificate of Compliance or for Temporary Certificate. Such fees shall be as setforth by resolution of the Village of Depew Board of Trustees .

Article VI. Fire Prevention

SECTION 76-11. NOTIFICATION REGARDING FIRE OR EXPLOSION.

The Chief of the fire department providing fire fighting services for a property within the Village of Depew shall promptly notify the Code Enforcement Officer of any fire or explosion involving any damage, fuel burning appliance, chimney or gas vent.

SECTION 76-12. UNSAFE BUILDING AND STRUCTURES

Editors Note: Refer to Chapter 81 of the Village Code – Unsafe Buildings Law of the Village of Depew Adopted by the Board of Trustees of the Village of Depew 7-25-2011 by L.L. No. 4-2011.

SECTION 76-13. OPERATING PERMITS.

(a) Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

- (1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR section 1225.1;
- (2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
- (3) use of pyrotechnic devices in assembly occupancies;
- (4) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more;
- (5) the use of an area for temporary assembly uses, and
- (6) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Village of Depew Board of Trustees.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

- (b) **Applications for Operating Permits.** An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.
- (c) **Inspections.** The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.
- (d) **Multiple Activities.** In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.
- (e) **Duration of Operating Permits.** Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each

Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

- (f) **Revocation or suspension of Operating Permits.** If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.
- (g) **Fee.** Fees for operating permits must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit. Such fees shall be as setforth by resolution of the Village of Depew Board of Trustees .

SECTION 76-14. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) **Inspections required.** Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

- (1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.
- (2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.
- (3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every thirty-six (36) months].

(b) **Inspections permitted.** In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
- (2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

- (3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

- (d) **Fee.** Fees for mandated inspections as listed in section 76-14(a) shall be as set forth by the Village of Depew Board of Trustees by resolution.

SECTION 76-15. ELECTRICAL INSPECTIONS

- (a) **Conformity with Uniform Code.** All electrical installations, alterations and repair of wiring for electric light, heat and power shall be made in conformity with the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code).

(b) **Inspection required; duties of inspectors.**

- (1) Electrical inspection shall be required on all electrical installations, alterations and repair of wiring for electric light, heat and power and shall be made in conformity with the requirements of the Uniform Code and the Energy Code. Individuals, firms, companies and or corporations performing electrical installations, alterations and /or repair of wiring for electric light, heat and power shall obtain an electrical inspection with an inspection agency designated by the Village of Depew as set forth herein.
- (2) Inspections shall be performed only by inspectors who are certified for residential, commercial and industrial inspection by the International Association of Electrical Inspectors and who have any certifications as required by New York State. Said inspectors shall apply for designation as electrical inspectors by the Village of Depew Board of Trustees. Applications shall be submitted to the Code Enforcement Officer with all necessary forms/certificates as set forth herein.
- (3) All designated inspectors are authorized and deputized as agents of the Village of Depew to make inspections and reinspections of all electrical installations heretofore and hereafter described, and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections and reinspections be a charge against the Village of Depew.

- (c) **Designation by Village.** A party seeking designation by the Village of Depew Board of Trustees as an approved electrical inspection service shall submit the following information to the Code Enforcement Officer:

- (1)** The name, street address and telephone number of the applicant.
 - (2)** Whether the applicant is an individual, partnership or corporation. The applicant is to provide documentation that they can operate in Erie County.
 - (3)** Whether the applicant is doing business in another name, and if so, said name(s).
 - (4)** The name, address, qualifications and training, including certificates, of all individuals who will be performing electrical inspection services on behalf of the applicant.
 - (5)** A schedule of fees. A new schedule is to be submitted each time fees change.
 - (6)** A statement as to whether the applicant intends to utilize independent contractors; if so, all independent contractor(s) shall be identified by name, street address and telephone number along with qualifications/certificates.
- (d)** The applicant shall affirm the following either individually or, if a corporation, by a duly authorized officer:
- (1)** All electrical inspecting services shall be performed by person(s) who have documented and current credentials of passing the International Association of Electrical Inspectors test and any certification by New York State.
 - (2)** If any information submitted at the time of application shall become incomplete or outdated, the applicant will notify the Code Enforcement Officer of all changes in writing within 48 hours.
 - (3)** No person performing electrical inspections within the Village of Depew shall engage in electrical work for compensation or have any financial interest in any person, partnership or corporation engaged in performing electrical work within the Village of Depew.
 - (4)** Electrical inspections shall be performed during normal Village business hours, unless prior written consent is obtained from the Code Enforcement Officer.
 - (5)** The report of the inspection shall be filed with the Code Enforcement Officer within five business days of the inspection. Said report shall certify whether the electrical work inspected is in compliance with the applicable codes.
 - (6)** The electrical inspection service shall provide to the Code Enforcement Officer a telephone number the use of which thereof will not impose long-distance charges upon the Village of Depew. Calls made by the Code Enforcement Officer to such number shall be returned within 24 hours.
 - (7)** The electrical inspection service will provide complimentary inspections in response to the reasonable request(s) of the Code Enforcement Officer.
 - (8)** Fees charged for inspections will not be fully or partially contingent upon approval by the electrical inspection service of the electrical work inspected.

- (9)** The electrical inspection service has received approval to perform inspections by New York State Electric & Gas and National Grid.
- (10)** The electrical inspection service shall not inspect electrical work which another approved electrical inspection service determined to be noncompliant with the code(s).
- (11)** The electrical inspection service agrees to defend, indemnify and hold harmless the Village of Depew with respect to all claims of whatever nature arising against the Village of Depew or any official or employee thereof with respect to the work performed by the electrical inspection service. If said electrical inspection service intends to utilize independent contractor(s), the electrical inspection service agrees to defend, indemnify and hold harmless the Village of Depew with respect to all claims of whatever nature arising against the Village of Depew or any official or employee thereof with respect to the work performed by said independent contractor.

Designation of an electrical inspector may be revoked by the Code Enforcement Officer prior to the expiration date for violating the provisions of this chapter or for making any materially false statement on the application.

- (e.)** In the event that the Code Enforcement Officer refuses to renew or revokes or suspends a designation for an electrical inspector, the electrical inspector shall have the right to appeal such refusal, revocation or suspension to the Village Board of Trustees in accordance with the following provisions:
 - (1)** Refusal, revocation or suspension of a designation shall be determined by the Town Board after a hearing held pursuant to the notification procedure listed in Subsection (e)(2) through (e) (4) of this section.
 - (2)** Whenever it shall be provided herein that a hearing shall be held, such hearing shall be held on a date and at a place and hour designated by the Village Board.
 - (3)** The Village Clerk of the Village of Depew shall give notice of any hearing to be held hereunder, stating the name and business address of the electrical inspector concerned, the subject matter of the hearing and the date, place and hour designated therefor, by mailing to the business address shown upon the most recent application of such electrical inspector at least 10 days prior to the date of such hearing.
 - (4)** At any hearing held for the refusal, revocation, suspension or removal of an electrical inspector from a list, such electrical inspector shall be entitled to be represented by legal counsel and to present testimony or other evidence in his own behalf, as may be relevant to the subject matter of the hearing.
- (f.)** The party seeking to be designated by the Village of Depew Board of Trustees as an approved electrical inspection service shall submit the following:
 - (1)** Proof of liability insurance in the amount of at least \$2,000,000 single limit for general liability, personal injury and property damage; professional liability of \$3,000,000; automobile liability of \$1,000,000; workmen's compensation and employees' disability.

- (2) If said electrical inspection service intends to utilize one or more independent contractor(s), proof of liability insurance in the amount of at least \$1,000,000 single limit for personal injury and property damage identifying as an additional insured each and every independent contractor to be utilized.
- (3) Policies of liability insurance referenced above shall name as an additional insured the Village of Depew. Said policies shall contain the following clause: "In the event of any material alteration, nonrenewal, or cancellation of this policy, at least 30 days notice thereof shall be given to the Village of Depew Clerk, 85 Manitou St., Depew, New York 14043."
- (4) A remittance of \$1,000 payable to the Village of Depew to include a nonrefundable application fee in the amount of \$250 as the reasonable expense to the Village in the administration of the application process and the amount of \$750 as the reasonable expense to the Village over the balance of five years in supervising and administrating the electrical inspection service. The remittance of \$750 shall not be refunded once an applicant is designated as an authorized electrical inspection service.

Article VII – Complaints/Record Keeping/Penalties

SECTION 76-16. COMPLAINTS

The Code Enforcement Officer shall review and investigate written complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this chapter or other provisions of the Village Code. The process for responding to a complaint shall include the following steps as the Code Enforcement Officer may deem to be appropriate:

- (a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- (b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 76-18 (Violations) of this chapter;
- (c) if appropriate, issuing a Stop Work Order;
- (d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 76-17. RECORD KEEPING.

- (a)** The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:
- (1)** all applications received, reviewed and approved or denied;
 - (2)** all plans, specifications and construction documents approved;
 - (3)** all Building Permits, [Certificates of Occupancy / Certificates of Compliance], Temporary Certificates, Stop Work Orders, and Operating Permits issued;
 - (4)** all inspections and tests performed;
 - (5)** all statements and reports issued;
 - (6)** all complaints received;
 - (7)** all investigations conducted;
 - (8)** all other features and activities specified in or contemplated by sections 76-6 through 76-15 inclusive, of this chapter; and
 - (9)** all fees charged and collected.
- (b)** All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 76-18. PROGRAM REVIEW AND REPORTING

- (a)** The Code Enforcement Officer shall annually submit to the Village Administrator a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 76-17 (Record Keeping) of this chapter and a report and summary of all appeals or litigation pending or concluded.
- (b)** The Village Administrator shall annually submit to the Secretary of State, on behalf of the Village of Depew /Code Enforcement Officer, on a form prescribed by the Secretary of State, a report of the activities of the Village of Depew relative to administration and enforcement of the Uniform Code.
- (c)** The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Village is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Village in connection with administration and enforcement of the Uniform Code.

SECTION 76-19: VIOLATIONS

(a) Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order.

(1) The Compliance Order shall be in writing;

(2) be dated and signed by the Code Enforcement Officer;

(3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this Chapter;

(4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity;

(5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance;

(6) direct that compliance be achieved within the specified period of time; and

(7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail and regular mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by certified mail and regular mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized and may issue appearance tickets for any violation of the Uniform Code, the Energy Code and this Chapter.

(c) Civil Penalties. In addition to those penalties prescribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this Chapter or any term or condition of any Building Permit, Certificate of Occupancy / Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, may be liable to a civil penalty

of not more than \$250 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Village of Depew.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of the Village of Depew, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this Chapter, or any term or condition of any Building Permit, [Certificate of Occupancy / Certificate of Compliance], Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this Chapter, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of the Village of Depew, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Village Board of Trustees of the Village of Depew.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 76-9 (Stop Work Orders) of this chapter in any other section of this chapter or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 76 -9(Stop Work Orders) of this local law, in any other section of this chapter, or in any other applicable law.

SECTION 76-20: FEES

A fee schedule shall be established by resolution of the Village of Depew Board of Trustees. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of occupancy / Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by chapter.

SECTION 76-21. PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 76-22. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.